

1920

POISON ACT

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ARGUMENT AGAINST PROHIBITING VIVISECTION.

The initiative measure against experiments on animals is unnecessary special legislation based on prejudice and misinformation. It will promptly be rejected if correctly understood. No one will tolerate cruelty to animals. The present laws of California are very drastic in their control of any abuses.

There is no cruelty to animals in the laboratories of the state. Those in charge of them are men and women of the highest character, unselfishly working to help their fellowmen. *Anesthetics are always used for animals in the laboratories in exactly the same way that they are used in the operating room.*

This measure will affect every resident and every animal in the state if it becomes a law. It is aimed at every effort being made to control and understand the diseases of men and animals.

By years of hard study much is now known of the cause and progress of disease. We no longer need fear scourges of smallpox, cholera, typhoid fever, yellow fever, diphtheria, hydrophobia and a host of other diseases. We built the Panama Canal after the French failed because we knew how to control the terrible diseases there. In the Great War our boys were protected by modern sanitation, and cared for by skilled surgeons and nurses. Every prospective mother, every father can thank Providence that child-bed fever with its large death rate need not be feared. All of these

things we owe entirely to careful experiments on animals. We still have much to learn. We can only win out against many forms of heart and kidney disease, diabetes, cancer and tuberculosis by further studies on animals. Common sense tells us that we must make trials to learn. We must know how things work. No engineer would be trusted with a passenger train who had never seen an engine go, no matter how much he knew of its parts. No physician or scientist can be trusted with the lives of our families or the safety of our communities who has not studied carefully the way living animals carry on their functions and the way they react to disease.

Without dairy cattle we could not raise our children. Only by animal experimentation have we learned to protect them, and to save millions of dollars and great suffering by the control of hog cholera, blackleg, and other diseases of horses, cattle, hogs, sheep, chickens and dogs.

Only by animal experiments have we been able to learn how to stop botulism, the kind of food poisoning that nearly wrecked the olive industry, and is a source of danger to every fruit and vegetable industry.

The question is between prejudice and science, ignorance and knowledge, fancy and fact. This measure will tie the hands of every physician. It may be your baby or your wife or your husband who will need an animal sacrificed to save life or give life saving information.

Your vote means your choice. Which shall it be—a guinea pig or an innocent baby?

RAY LEMAN WILBUR.

POISON ACT. Submitted to electors by referendum. Amends act regulating sale and use of poisons, exempting therefrom preparations of United States pharmacopoeia and national formulary and other established remedies, except paregoric which may be sold only upon physician's prescription.	YES
8 Regulates amount of opium, morphine, cocaine and heroin which licensed physician may prescribe for habitual user thereof, but excepts cases of incurable disease, ailment or injury, and requires report thereon to state pharmacy board; regulates sale, gift and possession of hypodermic syringes and needles, requiring written order of physician, dentist, veterinarian, or osteopath therefor; and prescribes penalties.	NO

Whereas, the legislature of the State of California, in regular session in April, 1919, passed, and the governor of the State of California, on the twenty-seventh day of May, 1919, approved a certain act, which act, together with its title, is in the words and figures following, to wit:

PROPOSED LAW.

An act to amend sections seven, eight and nine of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, and to add four new sections thereto to be numbered eight and one-half, eight e, eight f and eight g.

The people of the State of California do enact as follows:

Section 1. Section seven of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, is hereby amended to read as follows:

Section 7. Any person violating any of the provisions of sections eight or eight a of this act shall upon conviction be guilty of and shall be punished as follows, viz: for the first offense

said person so convicted shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, and not to exceed four hundred dollars, or by imprisonment for not less than fifty days and not exceeding one hundred eighty days, or by both such fine and imprisonment; for the second offense said person so convicted shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars, and not to exceed five hundred dollars, or by imprisonment for not less than ninety days and not exceeding six months, or by both such fine and imprisonment; and for the third offense said person so convicted shall be deemed guilty of a felony and shall be punished by imprisonment in the state prison for not less than one year and not more than five years. Any person violating any of the provisions of this act, except those contained in sections eight or eight a, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than two hundred dollars, or by imprisonment for not less than thirty days and not more than fifty days, or by both such fine and imprisonment. All moneys, forfeited bail or fines, received under the operation of this act shall be paid by the magistrate receiving same, seventy-five per cent to the state board of pharmacy, and twenty-five per cent to the city treasurer of the city, if incorporated, or

[Twenty-five]

to the county treasurer of the county in which the prosecution is conducted. The following is schedule "A," referred to in section one, viz: Schedule "A," arsenic, its compounds and preparations, corrosive sublimate, and other poisonous derivatives of mercury, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue, savin, and tansy, phosphorus and its poisonous derivatives and compounds, strophanthus or its preparations, aconite, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poison containing any of the poisons enumerated in this schedule.

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromide, chloroform, cowhage, creosote, ether, solution of formaldehyde or formaline; cathartics, cocculus indicus, all their preparations; iodine, or its tinctures, oil of pennyroyal, tartar emetic, and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of cresol.

Sec. 2. Section eight of said act, approved March 6, 1907, is hereby amended to read as follows:

Section 8. It shall be unlawful for any person, firm or corporation to sell, furnish or give away or offer to sell, furnish or give away or to have in their or his possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, nova caine, flowering tops and leaves, extracts, tinctures and other narcotic preparations or hemp or loco weed (*cannabis sativa*), Indian hemp, peyote (*anhalonium*), or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds excepting upon the written order or prescription of a physician, dentist or veterinary surgeon, licensed to practice in this state, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, written in by the person writing said prescription, or if ordered by a veterinary surgeon it shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be again compounded or dispensed if each fluid or avoirdupois ounce contains more than ten grains of chloral hydrate, or four grains of Indian hemp or loco weed excepting upon the written order of the prescriber for each and every subsequent compounding and dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person but the original shall be at all times open to inspection by the prescriber and properly authorized officers of the law and shall be preserved for at least three years from the date of the filing thereof; provided, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section one of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, and acts amendatory thereof; or physicians, nor to each other, nor to the sale at retail in pharmacies by pharmacists to physicians, dentists or veterinary surgeons duly licensed to practice in this state; provided, further, that all such wholesale jobbers, wholesalers and manufacturers, in this section mentioned shall keep in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of section two of the act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves and salts, derivatives or

preparations. And said records shall always be open for inspection by any peace officer or any member of the board of pharmacy or any inspector authorized by said board and such records shall be preserved for at least two years after the date of the last entry therein. The taking of any order, or making of an contract or agreement, by any traveling representative, or any employee, of any person, firm or corporation, for future delivery in this state, of any of the articles or drugs mentioned in this section shall be deemed a sale of said articles or drugs by said traveling representative, or employee, within the meaning of the provision of this act; provided, further, that a true and correct copy of all orders, contracts or agreements, taken for narcotic drugs specified in this section shall be forwarded by registered mail to the secretary of the California state board of pharmacy within twenty-four hours after the taking of such order, contract or agreement, unless such order, contract or agreement is recorded as required under the provisions of section two of an act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations or some wholesale jobber, wholesaler, or manufacturer permanently located in this state, as provided for in this section. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to administer to himself as a habitual user or furnish to or prescribe for the use of any other habitual user of the same, or of anyone representing himself as such, any cocaine, opium, morphine, codeine, heroin, or chloral hydrate, or any salt, derivative or compound of the foregoing substances or their salts, derivatives or compounds; and it shall also be unlawful for any practitioner of medicine or dentistry to prescribe or give any of the foregoing substances for himself or any person not under his treatment in the regular practice of his profession, or for any veterinary surgeon to prescribe or furnish any of the foregoing substances for the use of himself or any other human being; provided, however, that the provisions of this section shall not be construed to prevent any duly licensed physician from furnishing or prescribing in good faith as their physician by them employed as such, for any habitual user of any narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the purposes of this act; provided, that such licensed physician shall report in writing, over his signature, by registered mail, to the office of the California state board of pharmacy, within twenty-four hours after the first treatment, each and every habitual user of such narcotic drugs as are enumerated in this section, whom he or she has taken, in good faith, under his or her professional care, for the cure of such habit, such report to contain the date, name and address of such patient, and the name and quantity of the narcotic or narcotics prescribed in such treatment; and provided, further, that the above provisions shall not apply to preparations of the United States pharmacopoeia and national formulary or other recognized or established formula or remedies sold or dispensed without a physician's prescription containing not more than two grains of opium, or one-fourth grain of morphine, or one grain of codeine, or one-eighth grain of heroin, or ten grains of chloral hydrate or four grains of Indian hemp or loco weed in one fluid ounce, or, if a solid preparation, in one ounce, avoirdupois, except tincture of opii camphorata (commonly known as paregoric) which may be sold only upon the prescription of a physician licensed to practice in this state and said prescription shall not be again refilled or dispensed.

Sec. 3. A new section is hereby added to said act approved March 6, 1907, to be numbered eight and one-half and to read as follows:

Section 8½. Any licensed physician treating habitue under section eight of this act shall not prescribe for or furnish such habitue more than eight grains of opium, or four grains of morphine, or two grains of cocaine, or two grains of heroin for each daily treatment and at the end of fifteen days of such treatment the said physician shall not prescribe for or furnish to such habitue, for each daily treatment, more than four grains of opium, or two grains of morphine, or one grain of cocaine, or one grain of heroin, and at the end of thirty days from the first treatment, the prescribing or furnishing of any of the narcotic drugs above enumerated shall be entirely discontinued; and the physician shall report by registered mail as required in section eight of this act, and shall in the same manner further report in fifteen days, and in thirty days, the progress of the patient under the treatment so administered by him; otherwise, said treatment shall not be considered in good faith as provided in section eight of this act; provided, however, that any licensed physician may prescribe for or furnish his patient as their physician employed by them as such, and who is suffering with some incurable disease, ailment, or injury, any of the narcotic drugs mentioned in section eight, in such quantity as may be necessary for a reasonable length of time and the physician prescribing or furnishing any of the narcotic drugs must personally furnish a signed, detailed report in writing, to the office of the California state board of pharmacy, by registered mail, within twenty-four hours after writing the first prescription or furnishing the narcotic drug to such patient; and provided, further, that the California state board of pharmacy may employ a licensed physician to interview, examine and report the result of such interview or examination of any patient coming under the provisions of this section; provided, further, that the California state board of health shall furnish, upon request in writing from the California state board of pharmacy, a list of incurable diseases or ailments which, in its judgment, might require excessive amounts of narcotic drugs to be prescribed for or furnished by a physician for relief or benefit.

Sec. 4. A new section is hereby added to said act, approved March 6, 1907, to be numbered eighte, and to read as follows:

Section 8e. It is hereby made unlawful for any person to sell, vend, give away, or furnish, either directly or indirectly, to any person other than a duly licensed physician, licensed to practice and prescribe medicines in this state, or to a dentist or a veterinarian, or a pharmacist licensed to practice in this state, or person holding an unrevoked license to practice osteopathy, an instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, without a written, signed order from a duly licensed physician, dentist or veterinarian licensed to practice and prescribe medicine in this state, said order to contain the name and address of the party for whom ordered; or for any person other than a physician, dentist, veterinarian or pharmacist licensed to practice in this state, to have in his possession such an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, or any instrument or contrivance used for the same purpose, unless said instrument or contrivance was purchased by said person through and with a written order signed by a duly licensed physician, dentist or veterinarian licensed to practice and prescribe medicine in this state or person holding an unrevoked license to practice osteopathy, as above provided. No order, certificate or prescription shall be for more than

one hypodermic syringe or for more than three hypodermic needles and no copy or duplicate of such order shall be made for or delivered to any person and said order or prescription shall be accepted and filled only once; provided, however, that the above restrictions shall not prevent any duly registered nurse of this state or student nurse in any hospital or training school for nurses from obtaining or possessing any hypodermic syringe and hypodermic needles when working under the immediate direction and supervision of a licensed physician or licensed dentist; provided, further, that the board of pharmacy may upon application and at its discretion issue a permit, revocable at the discretion of the said board, to any duly registered pharmacist, for a limited period, permitting and authorizing such pharmacist to sell and dispense hypodermic syringes and needles for specified purposes, to persons not addicted to the use of the narcotic drugs enumerated in this act, and sales made under the authority of and in conformity with the terms of such permit shall not be construed to be in violation of the provisions of this section.

Any person violating any of the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished as follows: for the first offense by a fine of not less than twenty-five dollars and not more than fifty dollars or by imprisonment for not less than twenty-five days and not more than fifty days or by both such fine and imprisonment; and for each subsequent offense by a fine of not less than fifty dollars and not more than one hundred dollars or by imprisonment for not less than fifty days and not more than one hundred days or by both such fine and imprisonment. All fines, moneys, or forfeited bail imposed for violation of this section, upon collection thereof, shall be disposed of as is provided for in the disposition of fines, moneys or forfeited bail under section seven of this act.

Sec. 5. A new section is hereby added to said act, approved March 6, 1907, to be numbered eight f, and to read as follows:

Section 8f. For the purpose of this act the terms veterinarian, dentist, pharmacist shall be deemed to mean and shall refer only to persons who hold valid, unrevoked certificates to practice their respective professions in this state, issued by their respective examining boards in California. The term "physician," or "duly licensed physician," or "physician duly licensed to practice in this state," or "duly licensed physician licensed to practice and prescribe medicine in this state," or "practitioner of medicine," or "licensed physician," shall be deemed to mean and refer only to persons holding a valid and unrevoked physician's and surgeon's certificate, or certificate to practice medicine and surgery, issued by the board of medical examiners of the State of California or under the terms or provisions of any preceding medical practice act of the State of California.

Sec. 6. Section nine of said act, approved March 6, 1907, is hereby amended to read as follows:

Section 9. The sale or furnishing of carbolic acid (phenol) in quantities of less than one pound, is prohibited unless upon the prescription of a physician, dentist or veterinary surgeon duly licensed to practice in this state, but this prohibition shall not apply to solution of carbolic acid (phenol) containing not over ten per cent of the carbolic acid (phenol) and not less than ten per cent of ethyl alcoholic. All sales of carbolic acid (phenol) thus diluted so as to contain no more than ten per cent of carbolic acid (phenol) may be made under the same conditions as the drugs enumerated in schedule "B" as found in section seven, but sales of carbolic acid (phenol) containing more than ten per cent of said acid shall be registered subject to the same regulation as the poisons enumerated in schedule "A" as found in section seven.

And whereas, said regular session of the said legislature finally adjourned April 22, 1913, and ninety days having not expired since said final adjournment;

Now, therefore, sufficient qualified electors of the State of California have presented to the secretary of state their petition asking that said act, hereinbefore set forth, so passed by the legislature and approved by the governor, as hereinbefore stated, be submitted to the electors of the State of California for their approval or rejection.

EXISTING PROVISIONS.

Sections seven, eight and nine, of said act approved March 6, 1907, proposed to be amended, now read as follows:

(Provisions proposed to be repealed are printed in italics.)

Section 7. Any person violating any of the provisions of sections eight or eight a of this act shall upon conviction thereof be guilty of and shall be punished as follows, viz: for the first offense said person so convicted shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, and not to exceed four hundred dollars, or by imprisonment for not less than fifty days and not exceeding one hundred and eighty days, or by both such fine and imprisonment; for the second offense said person so convicted shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than two hundred and fifty dollars, and not to exceed five hundred dollars, or by imprisonment for not less than ninety days and not exceeding six months, or by both such fine and imprisonment; and for the third offense said person so convicted shall be deemed guilty of a felony and shall be punished by imprisonment in the state prison for not less than one year and not more than five years. Any person violating any of the provisions of this act, except those contained in section eight or eight a, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than two hundred dollars, or by imprisonment for not less than thirty days and not more than fifty days, or by both such fine and imprisonment. All moneys, forfeited bail or fines, received under the operation of this act shall be paid by the magistrate receiving same, seventy-five per cent to the state board of pharmacy, and twenty-five per cent to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted. The following is schedule "A" referred to in section one, viz: Schedule "A," arsenic, its compounds and preparations, corrosive sublimate, and other poisonous derivatives of mercury, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue, saffron, and tansy, phosphorus and its poisonous derivatives and compounds, strophanthus or its preparations, aconite, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poison containing any of the poisons enumerated in this schedule.

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromine, chloroform, cowhage, creosote, ether, solution of formaldehyde or formalin; cantharides, cocculus indicus, all their preparations; iodine, or its tinctures, oil of pennyroyal, tartar emetic, and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of cresol.

Section 8. It shall be unlawful for any person, firm or corporation to sell, furnish or give away or offer to sell, furnish or give away or to have in their or his possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, nova eucaine, flowering tops and leaves, extracts, tinctures and other narcotic preparations of hemp or loco weed (*Cannabis sativa*), Indian hemp, or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of the foregoing sub-

stances or their salts, derivatives or compounds excepting upon the written order or prescription of a physician, dentist or veterinary surgeon, licensed to practice in this state, which order or prescription shall be dated and shall contain the name of the person for whom prescribed written in by the person writing said prescription, or if ordered by a veterinary surgeon shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed and it shall not be again compounded or dispensed if each fluid or avoirdupois ounce contains more than two grains of opium or one quarter grain of morphine, or one grain of codeine, or one eighth grain of heroin or ten grains of chloral hydrate, or four grains of Indian hemp or loco weed excepting upon the written order of the prescriber for each and every subsequent compounding and dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person but the original shall be at all times open to inspection by the prescriber and properly authorized officers of the law and shall be preserved for at least three years from the date of the filing thereof; provided, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section one of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof," and for the appointment of a board to be known as the California state board of pharmacy," approved March 22, 1905, and acts amendatory thereof; or physicians, nor to each other, nor to the sale at retail in pharmacies by pharmacists to physicians, dentists or veterinary surgeons duly licensed to practice in this state; provided, further, that all such wholesale jobbers, wholesalers and manufacturers, in this section mentioned shall keep in a manner readily accessible, written orders or blank forms required to be preserved under the provisions of section 1 of the act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves and salts, derivatives or preparations. And said records shall always be open for inspection by any peace officer or any member of the board of pharmacy or any inspector authorized by said board and such records shall be preserved for at least two years after the date of the last entry therein. The taking of any order, or making of any contract or agreement, by any traveling representative, or any employee, of any person, firm or corporation, for future delivery in this state, of any of the articles or drugs mentioned in this section shall be deemed a sale of said articles or drugs by said traveling representative, or employee, within the meaning of the provision of this act; provided, further, that a true and correct copy of all orders, contracts or agreements taken for narcotic drugs specified in this section shall be forwarded by registered mail to the secretary of the California state board of pharmacy within twenty-four hours after the taking of such order, contract or agreement, unless such order, contract or agreement is recorded as required under the provisions of section two of an act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations of some wholesale jobber, wholesaler, or manufacturer permanently located in this state, as provided for in this section. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or prescribe for the use of any habitual user the same, or of any one representing him as such, any cocaine, opium, morphine, codeine, heroin, or chloral hydrate, or any salt, derivative or compound of the foregoing substances or

their salts, derivatives or compounds; and it shall also be unlawful for any practitioner of medicine or dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession or for any veterinary surgeon to prescribe any of the foregoing substances for the use of any human being; provided, however, that the provisions of this section shall not be construed to prevent any duly licensed physician from furnishing or prescribing in good faith as their physician by them employed as such, for any habitual user of any narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the purposes of this act; provided, that such licensed physician shall report in writing, over his signature, by registered mail, to the office of the California state board of pharmacy, within twenty-four hours after the first treatment, each and every habitual user of such narcotic drugs as are enumerated in this section, whom he or she has taken, in good faith, under his or her professional care, for the cure of such habit, such report to contain the date, name and address of such patient, and the name and quantity of the narcotic or narcotics prescribed in such treatment; provided, further, that the provision immediately foregoing shall not apply to any licensed physician treating such habit in good faith who personally administers such narcotics, enumerated in this section, after writing a prescription therefor; and provided, further, that the above provisions shall not apply to preparations sold or dispensed without a physician's prescription containing not more than two grains of opium, or one fourth grain of morphine, or one grain of codeine, or one eighth grain of heroin, or ten grains chloral hydrate or four grains of Indian hemp or loco weed in one fluid ounce or, if a solid preparation, in one ounce, avoirdupois.

Section 9. The sale or furnishing of carbolic acid (phenol) in quantities of less than one ounce, or paregoric in quantities of more than one ounce, is prohibited unless upon the prescription of a physician, dentist or veterinary surgeon duly licensed to practice in this state, but this prohibition shall not apply to solution of carbolic acid (phenol) containing not over ten per cent of the carbolic acid (phenol) and not less than ten per cent of ethyl alcohol. All sales of carbolic acid (phenol) thus diluted so as to contain no more than ten per cent of carbolic acid (phenol) may be made under the same conditions as the drugs enumerated in schedule "B" as found in section seven, but sales of carbolic acid (phenol) containing more than ten per cent of said acid shall be registered subject to the same regulation as the poisons enumerated in schedule "A" as found in section seven.

ARGUMENT IN FAVOR OF AMENDMENTS TO SALE OF POISON ACT.

This law amends certain portions of the so-called "Poison Law," which regulates the sale and use of poisons in the State of California by placing the use of narcotic drugs in the hands of the physicians of this state under the supervision of the State Board of Pharmacy. All the amendments are intended solely for the strengthening of the act and the better administration thereof and are the suggestions of the State Board of Pharmacy backed by and approved generally by all organizations having for their object the discouragement and proper regulation of the drug traffic. The most important purpose of this act is to limit to legitimate, medical channels the use of opium, cocaine, morphine and other narcotics, habitues being allowed their use only to the extent prescribed by regularly licensed physicians, excepting instances where used under the direction of a dentist or veterinary surgeon.

The most important amendment is the addition of section 8f. Its purpose is to limit the prescribing of narcotics to that class of practitioners who in their practice are using drugs and regularly prescribing same for their patients and who therefore are familiar with their use. This amendment eliminates that class of practitioners who regularly in their practice administer to patients without the use of drugs; the thought being that a physician who does not include drugs in his prescriptions and has not had the benefit of proper study or practice in this regard is in little, if any, better position to prescribe these narcotics than a layman, and his prescribing their use is therefore not only uncalled for and unnecessary but dangerous and wrong.

The next most important amendment is section 8b. Its purpose is to prohibit the purchase without prescription of the principal tool of the so-called "dope fiend," to wit, the hypodermic syringe. In practice it has been found that the possession of the hypodermic needle itself is as baneful an influence and as prolific of evil as the drug itself. The illicit drug traffic presents such stubborn resistance that this further move toward strengthening the arm of the law is deemed essential to the reasonably efficient enforcement of the law itself.

All the other amendments are minor and merely correct defects in the old law and as its enforcement has disclosed them. None amount to more than catching up a loose stitch here or tightening the restrictions there wherever experience has taught the necessity for same. This act received practically no opposition in either branch of the legislature or before the Governor, and indeed would not have been referendumed at all had it not been for a certain small class of practitioners who by the terms of the act are properly denied a privilege which they are not in a position to enjoy except at the risk of what are considered, by those who are entrusted with the enforcement of this law, as unnecessary dangers to the public.

J. S. O'CALLAGHAN.

ARGUMENT AGAINST AMENDMENTS TO SALE OF POISON ACT.

Senate Bill 604 (Chapter 612), known as the Sale of Poison Act, is but one angle of a general campaign to create state medicine. Vote "No."

The passage of this act would take away a privilege granted the osteopathic profession in 1901.

The first act regulating the practice of osteopathy in California, passed in 1901, granted osteopathic physicians the right to practice minor surgery and obstetrics. No one would contend that minor surgery could be practiced without the use of local anesthetics. Osteopathic colleges in 1901 were giving a course in surgery that would have enabled their graduates to pass the state board examination in major surgery. The law, however, did not admit osteopathic physicians to that examination. It was not until 1907 that osteopaths were permitted to take the same examination given medical applicants. The osteopathic profession has never tried to lower medical standards. Our colleges have always given a medical course in excess of legal requirements.

This bill very skillfully provides that osteopaths may have in their possession a hypodermic syringe and needles, but in its later provisions excludes them from those who may purchase local anesthetics. If passed, it would deprive citizens of the state from employing the physician of their choice because he could not lawfully care for minor surgical conditions.

There are laws now on the statute books of the state that prevent other than qualified physicians from obtaining habit-forming drugs and further provide severe penalties for doctors who dispense them under conditions other than those prescribed by law. The Harrison Narcotic law (a federal law) also covers this field and affords full protection to the public.

Osteopaths have been licensed to practice major and minor surgery since 1913. Osteopaths who have passed the same examination required of medical doctors (the latter being granted unlimited rights) would be unable to perform minor operations should this bill pass. If it be said that osteopaths wishing to use local anesthetics can get that privilege by passing an oral examination, our reply is that for every osteopath licensed on credentials, four medical doctors were licensed without examination. If a law be enacted requiring these medical doctors

to submit to examination, we shall do likewise without protest. We object to discrimination.

The public could have had whatever added protection Chapter 612 may afford without injury to anyone. A companion bill was passed by both houses by an almost unanimous vote. This bill was identical with the one giving executive approval save that it permitted osteopathic physicians to continue the practice of minor surgery as they have been licensed to do since 1901.

Senate Bill 604 (Chapter 612) was passed amidst the confusion of the last day of the session by a bare majority. There can be no reason for excluding osteopathic physicians from the use of pain-relieving drugs. The osteopaths have never abused the use of habit-forming drugs.

To prevent curtailment of your personal liberty in the selection of your physician, vote "No."

W. W. VANDERBURGH.

HIGHWAY BONDS. Initiative measure adding Section 3 to Article XVI of Constitution. Creates State Highway Finance Board to serve without compensation. Directs cancellation of unsold forty thousand bonds authorized by Section 2 of same article; authorizes other bonds to same amount, to be issued as provided in said section, but at times and interest rate, not exceeding six per cent, determined by said board under then prevailing market conditions; makes provisions of said section otherwise govern said bonds and proceeds thereof. Beginning July 1, 1921, relieves counties from payments to state on account of highway construction.

YES

NO

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that there be submitted to the electors of the state for their approval or rejection, at the next general election, an amendment to the constitution of the State of California adding a new section three to article sixteen of said constitution, the full text of said proposed amendment being as follows:

The people of the State of California do enact as follows:

A new section to be known as section three is hereby added to article sixteen of the constitution, to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Section 3. There is hereby created a state highway finance board composed of the governor, state controller, state treasurer, chairman of the state board of control and chairman of the California highway commission, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said board. All of the forty thousand bonds authorized by section two of article sixteen of this constitution which shall have heretofore been sold shall be and constitute valid obligations of this state. All of said forty thousand bonds which shall remain unsold at the time of the adoption of this section shall be cancelled and destroyed by the state treasurer, and in lieu thereof bonds in the same amount shall be prepared and sold as herein-after stated. Said state highway finance board shall from time to time, so long as the bonds herein authorized remain unsold, determine when the same or any part thereof shall be sold, the number to be sold, the dates which the bonds so to be sold shall bear, and the interest rate thereon, which rate shall be fixed by said board according to the then prevailing market conditions but shall at no time exceed six per cent per annum, and the determination of said board as to the rate of interest shall be conclusive as to the then prevailing market

conditions. When requested by said board the state treasurer shall prepare such number of bonds, so dated and bearing such interest thereon, all as so determined by said board, said bonds as to maturity dates thereof, the place and method of payment of principal interest thereon, and in all other particulars being the same as authorized by said section two of article sixteen, and as though the bonds herein authorized were the balance of said forty thousand bonds remaining unsold, and when so prepared said bonds shall be signed, countersigned, endorsed, sealed, sold and delivered, all as provided with respect to the bonds authorized by said section two of article sixteen, but by the respective officers in office at the time such acts are required to be done. In the event that any bonds prepared as herein provided cannot in the judgment of said state highway finance board be sold at the time fixed for the sale thereof or thereafter, said board may withdraw said bonds from sale and direct the state treasurer to cancel and destroy the same, and may at said time or thereafter, at its option, direct the preparation and sale as hereinbefore provided, of the same or a different number of bonds, but not to exceed in all the amount herein authorized, and at the same or a different rate of interest but not to exceed six per cent per annum. All of the provisions of said section two of article sixteen, except those relating to the number of the bonds therein authorized, the date thereof and interest rate thereon, and except as herein otherwise provided, shall apply to and govern the bonds herein authorized, the use of the proceeds therefrom, and the several funds to be created and payments to be made into and out of the same, and in all respects said bonds herein authorized and the moneys derived from the sale thereof shall be governed and dealt with in the same manner, except as herein otherwise provided, as though the bonds herein authorized were the unsold portion of the forty thousand bonds authorized by said section two of article sixteen.

Section eight of the "state highways act" of 1909 as amended and approved by the electors November 7, 1916, section eight of the "state highways act" of 1916, section two of

[Thirty]